REMARKS

In an office action dated 18 June 2003, the Examiner rejects claims 1-10 (all pending claims). In response to the office action, Applicants respectfully traverse the Examiner's rejection. Claims 1-10 remain in the application. In light of the following argument, Applicants respectfully request that claims 1-10 (all pending claims) and this application be allowed.

The Examiner rejects claims 1-10 under 35 USC §103 (a) as being unpatentable over U.S. Patent Number 6,016,497 issued to Suver (Suver). In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. Id.

Claim 1 recites a data importer receiving an input including data to be imported into said database, an indication of one of said related groups that is associated with said data, and indications of parameters associated with said data, wherein said data importer appends one or more portions of said data associated with existing parameters to corresponding one or more existing tables associated with said existing parameters and having tables of said one of said related groups as references, appends data associated with new parameters to a new table created for said new parameters, and updates said data dictionary to include said identifications and information of said new table and new parameters. In order to maintain this rejection the Examiner must provide evidence of a

teaching of this element in Suver or a motivation to modify Suver to include the recited data importer. The Examiner admits at page 3, line 5 that Suver does not teach a data importer.

Therefore, the examiner provides a motivation to modify Suver to include a data importer as recited in claim 1. The Examiner states that one skilled in the art would be motivated to modify Suver to include the data importer recited in claim 1 because one would want to physically decompose complex business objects into multiple tables. This is mere assertion. Furthermore, the assertion is incorrect. The claimed data importer is for entering data from another software application into a table. A data importer has nothing to do with changing the method of storing the data in a database i.e. taking information from the object and converting to table form. For this reason, Applicants challenge the assertion by the Examiner as allowed under MPEP §2144.03. If the Examiner wishes to maintain this rejection, Applicants request that the Examiner provide an affidavit or prior art as evidence as to why the above statement is a motivation to combine. If the Examiner cannot provide an affidavit or prior art showing the motivation to modify, this rejection must be removed.

Furthermore, the modification of Suver by adding the data importer changes the prinicple of operation of Suver. The Examiner is remided that if the proposed modification of the prior art changes the principle of operation of the prior art, then the teachings of the reference is not sufficient to render claim 1 prima facie obvious. See MPEP §2143.01. See also, In re Ratti, 270 F2d. 810, 123 USPQ 349 (CCPA 1959). In accordance with claim 1, a data importer receives data to be imported (or added) to a database and indications of the parameters and groups related to the received data. The

data importer then appends the data to a table with the related parameters and updates a data dictionary with new information if a new table must be used to include the data into the database.

Suver, on the other hand, is teaching a method for configuring data into the database. See abstract. Suver is not considering adding data received from another software application. Suver does teach a method for updating or inserting data in process 1500 shown in Figure 15 and described in specification at col. 24, line 42- col. 25, line 29. As one skilled in the art will recognize importing of data is receiving data from another software application into the database. Since Suver provides a method for inserting data into the program and is silent as to receiving data from another software application, the new feature or process of a data importer is not taught in Suver and is not event contemplated by Suver. The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination or modification. See In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Thus, the addition of a data importer changes the principle of operation in Suver.

For the above reasons, the rejection of claim 1 cannot be maintained and Applicants respectfully request claim 1 be allowed.

Claims 2-8 are dependent upon claim 1. Thus, claims 2-8 are allowable for at least the same reasons as claim 1. Thus, Applicants respectfully request that claims 2-8 be allowed.

Claim 9 recites the method for adding the imported data performed by the data importer. Thus, claim 9 is allowable for at least the same reasons as claim 1. Therefore, Applicants respectfully request that claim 9 be allowed.

Claim 10 is dependent upon claim 9. Therefore claim 10 is allowable for at least the same reasons as claim 9 and Applicants respectfully request that claim 10 be allowed.

If the Examiner has any questions regarding this amendment or the application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
SIERRA PATENT GROUP, LTD.

Dated: 17 Sept 2003

William P. Wilbar
Reg. No.: 43,265

Sierra Patent Group, Ltd.
P.O. Box 6149
Stateline, NV 89449
(775) 586-9500
(775) 586-9550 Fax